

Application No. 10/815,861

IN THE DRAWINGS:

Please amend Fig. 5 as illustrated in red on the attached photocopy. Fig. 5 has been amended to add reference numbers --10-- and --11--.

REMARKS

Claim Rejections

Claim 2, 3 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lopata et al. in view of Pelozza et al. Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Lopata et al in view of Kao. Claims 7-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lopata et al. in view of Pelozza et al. in further in view of Chandler et al, Kao, and Nakmura.

It appears that the Examiner intended to reject claim 1 under 35 U.S.C. § 102 as being unpatentable over Lopata et al. In effort to move the application toward allowance, Applicant has prepared this response as if the rejection were present.

Amendments to Specification

Applicant has amended the specification as noted above to provide proper antecedent basis for reference numbers "10" and "11". No "new mater" has been added to the original disclosure for the foregoing amendments to the specification.

Drawings

Applicant proposes to amend Fig. 5, as illustrated in red on the attached photocopy. In Fig. 5 is proposed to add reference numerals --10-- and --11--. No "new matter" has been added to the original disclosure by the proposed amendments to this figure. Approval to the proposed drawing changes is respectfully requested.

New Claims

By this Amendment, Applicant has canceled claims 1-12 and has added new claims 13-24 to this application. It is believed that the new claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The new claims 13-18 are directed toward an electrical connector with a grounding structure comprising: an insulating body (1); a plurality of transmitting

terminals (4) inserted into the insulating body; a cable assembly (3) having: a plurality of conductive jacket layers (32); a plurality of transmitting units (31), each of the plurality of transmitting units having an outer periphery surrounded by one of the plurality of conductive jacket layers, one of the plurality of transmitting is positioned above each of the plurality of transmitting terminals; and an insulation layer (10) surrounding the plurality of transmitting units and the plurality of conductive jacket layers; a grounding part (5) having: a contacting part (51) contacting the plurality of conductive jacket layers; and a plurality of grounding terminals (52) extending outwardly and inserted into the insulating body; and an outer jacket (2) encasing the insulating body, the plurality of transmitting terminals, the cable assembly, and the grounding part.

Other embodiments of the present invention include: a conducting part (6) surrounding the plurality of conductive jacket layers and the grounding part; the conducting part is made of a metal material selected from a group consisting of copper sheet and copper ring, each of the plurality of conductive jacket layers is an aluminum foil Mylar; the grounding part is made of a conductive material; and each of two opposing sides of the contacting part includes a wing portion (53).

The new claims 19-24 are directed toward an electrical connector with a grounding structure comprising: an insulating body (1); a plurality of transmitting terminals (4) inserted into the insulating body; a cable assembly (3) having: a plurality of conductive jacket layers (32); a plurality of transmitting units (31), each of the plurality of transmitting units having an outer periphery surrounded by one of the plurality of conductive jacket layers, one of the plurality of transmitting is positioned above each of the plurality of transmitting terminals; and a first insulation layer (10) surrounding the plurality of transmitting units and the plurality of conductive jacket layers; a metal braid (7) surrounding an outer periphery of the first insulation layer; and a second insulation layer (11) surrounding an outer periphery of the metal braid, the metal braid is reversely bent at an open end and overlapping an outer periphery of an end of the second insulation layer; a grounding part (5) having: a contacting part (51) contacting the plurality of conductive jacket layers; and a plurality of grounding terminals (52) extending outwardly and inserted into the insulating body; first and second conducting parts (6, 6'), the first conducting part

having a third insulating layer covering an outer surface thereof and clamping the plurality of conductive jacket layers and the grounding part, and the second conducting part surrounding the metal braid located on the outer periphery of the end of the second insulation layer; a metal housing (9) encasing the insulating body, the plurality of transmitting terminals, the cable assembly, the grounding part, and the first and second conducting parts, the metal housing having a holding portion located on a end thereof and engaging an outer periphery of the second conducting part; and an outer jacket (2) encasing metal housing.

The primary reference to Lopata et al. teaches a connector with wear-resistant engagement means and, in figs. 9 and 10, teaches a plurality of conductive terminals (131). However, each of the plurality of conductive terminals has one contact portion.

Lopata et al. do not teach a cable assembly having a plurality of conductive jacket layers; each of the plurality of transmitting units having an outer periphery surrounded by one of the plurality of conductive jacket layers; one of the plurality of transmitting is positioned above each of the plurality of transmitting terminals; nor do Lopata et al. teach a grounding part having a plurality of grounding terminals extending outwardly and inserted into the insulating body.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Lopata et al. do not disclose each and every feature of Applicant's new claims and, therefore, could not possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Lopata et al. cannot be said to anticipate any of Applicant's new claims under 35 U.S.C. § 102.

The secondary reference to Pelozá et al. teaches a connector with improved grounding means and is cited for teaching clips (42) surrounding an insulating sheath (40) around the signal wire conductors (32) of the signal cables (30). Each signal cables (30) having an outer insulative covering (31).

Pelozá et al. dos not teach a cable assembly having a plurality of conductive jacket layers; each of the plurality of transmitting units having an outer periphery surrounded by one of the plurality of conductive jacket layers; one of the plurality of

transmitting is positioned above each of the plurality of transmitting terminals; nor do Peloza et al. teach a grounding part having a plurality of grounding terminals extending outwardly and inserted into the insulating body.

The secondary reference to Kao teaches a structure of a digital transmission line and is cited for teaching a Mylar tape (3) being made of aluminum foil.

Kao does not teach a cable assembly having a plurality of conductive jacket layers; each of the plurality of transmitting units having an outer periphery surrounded by one of the plurality of conductive jacket layers; one of the plurality of transmitting is positioned above each of the plurality of transmitting terminals; nor does Kao teach a grounding part having a plurality of grounding terminals extending outwardly and inserted into the insulating body.

The secondary reference to Chandler et al. teaches an electrical connector and is cited for teaching a shielding braid (129) being reversely bend and extending rearwardly.

Chandler et al. do not teach a cable assembly having a plurality of conductive jacket layers; each of the plurality of transmitting units having an outer periphery surrounded by one of the plurality of conductive jacket layers; one of the plurality of transmitting is positioned above each of the plurality of transmitting terminals; nor do Chandler et al. teach a grounding part having a plurality of grounding terminals extending outwardly and inserted into the insulating body.

The secondary reference to Nakamura teaches an electrical connector and is cited for teaching a shield frame (6) having holding pieces (69a, 69b).

Nakamura does not teach a cable assembly having a plurality of conductive jacket layers; each of the plurality of transmitting units having an outer periphery surrounded by one of the plurality of conductive jacket layers; one of the plurality of transmitting is positioned above each of the plurality of transmitting terminals; nor does Nakamura teach a grounding part having a plurality of grounding terminals extending outwardly and inserted into the insulating body.

Even if the teachings of Lopata et al., Peloza et al., Kao, Chandler et al., and Nakamura were combined, as suggested by the Examiner, the resultant combination does not suggest: a cable assembly having a plurality of conductive jacket layers; each of the plurality of transmitting units having an outer periphery surrounded by

one of the plurality of conductive jacket layers; one of the plurality of transmitting is positioned above each of the plurality of transmitting terminals; nor does the combination suggest a grounding part having a plurality of grounding terminals extending outwardly and inserted into the insulating body.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a

guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Lopata et al., Pelosa et al., Kao, Chandler et al., or Nakamura that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Lopata et al., Pelosa et al., Kao, Chandler et al., nor Nakamura disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's new claims.

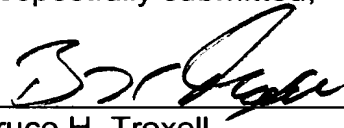
Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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